

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

GEORGE ALLEN WARD, #1013118-52,

Petitioner,

v.

ACTION NO. 2:20cv252

HAROLD W. CLARKE,

Respondent.

FINAL ORDER

Petitioner George Allen Ward (“Ward”), a Virginia inmate, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Ward alleges violations of federal rights pertaining to his sentencing in the Circuit Court for Gloucester County on January 20, 1995. *Id.* at 1. Ward filed two motions for default judgment and respondent filed a motion to dismiss the petition. ECF Nos. 9–10, 14.

This matter was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. On March 9, 2021, the Magistrate Judge prepared a report and recommendation, recommending that Ward’s motions for default judgment be denied, respondent’s motion to dismiss be granted, and the petition for a writ of habeas corpus be denied and dismissed with prejudice. ECF No. 23. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 10. On March 25, 2021, the Court received Ward’s objections to the findings and recommendations made by the Magistrate Judge. ECF No. 24.


The Court, having reviewed the record and examined the objections filed by Ward to the report and recommendation, and having made de novo findings with respect to the portions

objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that Ward's motions for default judgment (ECF Nos. 9–10) are **DENIED**, respondent's motion to dismiss (ECF No. 14) is **GRANTED**, and the petition for a writ of habeas corpus (ECF No. 1) is **DENIED** and **DISMISSED WITH PREJUDICE**.

Finding that the basis for dismissal of Ward's section 2254 petition is not debatable, and alternatively finding that Ward has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); *see* Rule 11(a) of the Rules Gov. § 2254 Cases in U.S. Dist. Cts.; *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000).

Ward is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rule 11(a) of the Rules Gov. § 2254 Cases in U.S. Dist. Cts. **If Ward intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Order. Ward may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this Final Order to Ward and counsel of record for respondent.


Raymond A. Jackson
United States District Judge

Norfolk, Virginia
April / , 2021